

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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FADRIAN ANDREW SMITH,

Plaintiff,

v.

Case No. 07-C-634

WARDEN JOHN JADIN and  
HEALTH SERVICE UNIT,

Defendant.

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**ORDER**

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Fadrian Smith, an inmate in the Brown County Jail, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 against Warden John Jadin and the Health Service Unit on July 10, 2007. Smith also filed a motion to proceed *in forma pauperis*, but failed to include a six-month trust account statement as he is required to provide under 28 U.S.C. § 1915. Smith was directed to file his trust account statement within the next 30 days. Once he has done so, the Court will issue an order pursuant to 28 U.S.C. § 1915A indicating whether the case can proceed. Smith has now filed a motion for appointment of counsel and a temporary restraining order. Both motions will be denied.

The motion for appointment of counsel is premature since the court has not even determined whether Smith's case should proceed. The motion for a temporary restraining order, likewise, is premature. It appears from the motion that Smith seeks to have the court intervene in ongoing grievance proceedings now taking place in the Brown County Jail. The proceedings have not even

been completed and there is no suggestion that Smith has been subjected to injury or harm that would amount to a violation of his constitutional rights. Accordingly, the motions will be denied.

Finally, there is a suggestion in Smith's filing that he is unable to comply with the court's direction that he submit a trust account statement. He states that the Brown County Jail authorities "do not know what he is talking about." In the event Smith is unable to submit a trust account statement, he should indicate to the court within the thirty-day time limit the reasons why he is not able to do so. In that event, the court will proceed to determine whether he has stated good cause for his failure to comply and whether the case should then proceed in any event. Smith's discovery requests to jail authorities are also premature at this time since no defendant has been served and no answer has been filed.

Accordingly, Smith's motion for appointment of counsel (Doc # 4) and his motion for a temporary restraining order (Doc. #5) are denied.

**SO ORDERED** this 3rd day of August, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge